

No. \_\_\_\_\_

Appeal No. 05-19-01492-CR

**ANDREW ANDERSON,**

Appellant

*V.*

**THE STATE OF TEXAS,**

Appellee

FILED  
COURT OF CRIMINAL APPEALS  
3/26/2020  
DEANA WILLIAMSON, CLERK

On appeal from the 265th Judicial District Court  
Dallas County, Texas, Trial Cause Number F19-52721-R

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MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR  
DISCRETIONARY REVIEW

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Now comes counsel for Andrew Anderson, hereinafter “Appellant,” and moves for an extension of time of thirty (30) days, from April 16, 2020 to May 16, 2020, for the filing with this Court of Appellant’s petition for discretionary review (PDR). In support of this motion, Appellant would show:

I.

Appellant was convicted of aggravated assault and was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of five years. The Dallas Court of Appeals dismissed Appellant’s appeal on March 17, 2020. *See Andrew Anderson v. State*, Appeal No. 05-19-01492-CR, 2020 WL 1303265 (Tex.App. —Dallas March 17, 2020) (mem.

op.; not designated for publication). Appellant's Petition for Discretionary review is accordingly due on April 16, 2020. No previous motion for extension has been filed in this Court, such that no previous extensions have been granted or denied.

## II.

Counsel has been unable to begin work on Appellant's petition for discretionary review due to conflicting obligations including as follows since March 17, 2020: (1) research and preparation of *Ex parte* motion and related motion for trial counsel; (2) research concerning motion and order for abatement in *State v. Jernigan*, Appeal No. 05-20-00199-CR; and (3) matters relating to working in-shelter and safety concerns arising from coronavirus outbreak.

In addition, counsel has the following obligations outstanding: (1) the Brief for Appellant in *Fabian Enrique Tucker v. State*, Appeal Nos. 05-19-01094-CR, 05-19-01095-CR, 05-19-01096-CR, and 05-19-01097-CR, due in the Dallas Court of Appeals on second extension on April 5, 2020; (2) the Brief for Appellant in *James Overloon v. State*, Appeal No. 05-19-00522-CR, due in the Fifth Court of Appeals on second extension on April 6, 2020; (3) determination regarding Brief for Appellee and brief, if any, in *State v. Jones*, Appeal No. 05-19-00927-CR, to be filed in the Fifth Court of Appeals of Texas at Dallas in advance of submission date on April 22, 2020; (4) surgery currently scheduled for April 22, 2020 with possibility of one or more days recovery (unless surgery reset due to coronavirus outbreak).

### III.

Appellant submits the aforementioned facts as reasonably explaining Appellant's need to for an extension of time to file a petition for discretionary review with this Court. Appellant therefore respectfully requests an extension of time in the length of thirty (30) days, from April 16, 2020 to May 16, 2020, to file the Petition for Discretionary Review.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court will grant the instant motion for extension.

Respectfully submitted,

/s/ Christian T. Souza

Christian T. Souza

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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the instant Motion was served on M. Paige Williams of the District Attorney's Office of Dallas County, Appellate Division, 133 N. Riverfront Blvd., LB 19, Dallas, Texas 75207 by mail or by electronic mail to M. Paige Williams at Marcella.Williams@dallascounty.org and to Stacey Soule, State Prosecuting Attorney, P. O. Box 13046, Austin, Texas 78711-3046, via e-mail to information@spa.texas.gov.

Christian T. Souza  
/s/ Christian T. Souza